IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3261 OF 2005.

IN

CIVIL APPLICATION NO.2490 OF 2004.

IN

FIRST APPEAL STAMP NO.18649 OF 2004.

Mr.Rajesh Vinayak Sawant : Complainant

versus

Shri Ramachandra Ganesh Barve & ors. : Respondent/. Applicants.

Mr.S.B.Shetye for the Appellant/Complainant

Ms.Pallavi Joshi i/by R.Bhargavan for Respondent No.2/Applicant.

CORAM : D.G.DESHPANDE,J.

DATED : 13th September 2005.

ORAL ORDER

1. This application is filed by the original respondent for setting aside the order dated 10th

June 2005 which came to be passed in the application for condonation of delay and by which the delay was condoned.

2. Counsel for the responden,t now applicant in this application, contended that even though the respondents were served, there advocate was busy some-where-else and, therefore, that order was required to be set aside. This is not a ground for setting aside the order. In any case that order was passed on merits in that application. It is open to the applicant/respondent to challenge that order in the appropriate proceedings. This civil application is dismissed.

[D.G.DESHPANDE,J]